



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
445 TWELFTH STREET, S.W.  
WASHINGTON, D.C. 20554

**DA 02-2133**

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

**Released: August 30, 2002**

## **WAYNE M. PERRY, DON A. ADAMS, AND DARLA POMEROY SEEK FCC CONSENT TO TRANSFER CONTROL OF LICENSES**

**WT Docket No. 02-270**

### **PLEADING CYCLE ESTABLISHED**

**Petitions/Comments due: September 30, 2002**  
**Oppositions due: October 10, 2002**  
**Replies due: October 18, 2002**

Wayne M. Perry, Don A. Adams, and Darla Pomeroy have filed applications pursuant to Section 310(d) of the Communications Act of 1934, as amended,<sup>1</sup> seeking Commission consent to transfer control of broadband Personal Communications Services (“PCS”) licenses currently controlled by Mr. Perry. This transfer of control would take place as the result of Mr. Perry transferring his interests in Lewis and Clark Communications, LLC (“Lewis and Clark”) and Cascade Wireless, LLC (“Cascade”), along with its wholly-owned subsidiaries, to Mr. Adams and Ms. Pomeroy.<sup>2</sup> Mr. Adams and Ms. Pomeroy will collectively acquire, and share equally, a 50.1 percent economic and voting interest in Lewis and Clark,<sup>3</sup> and a 100 percent voting interest in Cascade and its subsidiaries.<sup>4</sup>

### **APPLICATIONS**

The following applications for consent to transfer control of licenses from Mr. Perry to Mr. Adams and Ms. Pomeroy have been assigned the following file numbers.

<u>File Number</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0000974206	Lewis and Clark Communications, LLC	KNLG911

<sup>1</sup> 47 U.S.C. § 310(d).

<sup>2</sup> While Item 46 of the applications filed on FCC Form 603 lists Mr. Adams as the transferee, the attachments specify that control is being transferred equally to Mr. Adams and Ms. Pomeroy. *See, e.g.*, File No. 0000974397, Exhibit 1.

<sup>3</sup> The applicants state that AT&T Wireless PCS, LLC will continue to hold the additional 49.9 percent economic and voting interests in Lewis and Clark. *See* File No. 0000974206, Exhibit 1.

<sup>4</sup> The applicants state that AT&T Wireless Services, Inc. will continue to hold an 85 percent economic interest in Cascade, and that “each of Mr. Pomeroy and Mr. Adams also holds a 7.5 % economic interest in Cascade.” *See* File No. 0000974397, Exhibit 1.

0000974397 <sup>5</sup>	Cascade Wireless, LLC	KNLG842
0000974484	Lone Star Wireless, LLC	WPOJ700
0000974515	THC of Houston, Inc.	KNLH625
0000974642	THC of Tampa, Inc.	KNLH631
0000974707	THC of Orlando, Inc.	KNLH630
0000974865	THC of Melbourne, LLC	KNLH627
0000974891	THC of San Diego, Inc.	KNLG655
0000974907	ABC Wireless, LLC	WPOK619
0000974914	Indiana Acquisition, LLC	KNLF307
0000974923	Wireless Acquisition, LLC	KNLF587
0000974951	Royal Wireless, LLC	KNLF456
0000974960	Arnage Wireless, LLC	KNLG714
0000974976	Southwest Wireless, LLC	WPOJ751
0000974986	Sabre Wireless, LLC	KNLH720
0000974995	Panther Wireless, LLC	KNLG251
0000975001	Zuma/Lubbock, Inc.	WPOJ840
0000975011	Zuma/Odessa, Inc.	WPOJ842

### GENERAL INFORMATION

The applications referenced herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies.

Final action on these applications will not be taken earlier than 31 days following the date of this Public Notice.<sup>6</sup> Interested parties may file comments or petitions to deny no later than **September 30, 2002**. Oppositions to the comments or petitions to deny may be filed no later than **October 10, 2002**. Replies to the oppositions may be filed no later than **October 18, 2002**. All filings concerning matters referenced in this Public Notice should refer to **DA 02-2133** and **WT Docket No. 02-270**, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

**All documents filed in this proceeding should indicate in the caption that this matter is before the Wireless Telecommunications Bureau, Commercial Wireless Division, Policy and Rules Branch.**

Under the Commission's current procedures for the submission of filings and other documents,<sup>7</sup> submission in this matter may be filed electronically (*i.e.*, by the Commission's Electronic Comment Filing System (ECFS)) or by hand delivery to the Commission's Massachusetts Avenue location.

- **If filed by ECFS,**<sup>8</sup> comments shall be sent as an electronic file via the Internet to

<sup>5</sup> File No. 0000974397 has been designated as the lead application in this transaction, and all pleadings and other submissions filed in this matter that pertain generally to the transaction and not to a particular application will be available through this file number.

<sup>6</sup> See 47 U.S.C. § 309(b).

<sup>7</sup> See *In the Matter of Implementation of Interim Electronic Filing Procedures for Certain Commission Filings*, Order, FCC 01-345 (rel. Nov. 29, 2001); see also FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, DA 01-2919 (rel. Dec. 14, 2001).

<sup>8</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24,121 (1998).

<http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

- **If filed by paper**, the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings) to: (1) the Commission's duplicating contractor, Qualex International, at [qualexint@aol.com](mailto:qualexint@aol.com) or (202) 863-2898 (facsimile); (2) John Branscome, Commercial Wireless Division, Wireless Telecommunications Bureau, at [jbransco@fcc.gov](mailto:jbransco@fcc.gov), or (202) 418-7447 (facsimile); (3) Erin McGrath, Commercial Wireless Division, Wireless Telecommunications Bureau, at [emcgrath@fcc.gov](mailto:emcgrath@fcc.gov) or (202) 418-7447 (facsimile); and (4) Rita Cookmeyer, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at [rcookmey@fcc.gov](mailto:rcookmey@fcc.gov) or (202) 418-2923 (facsimile).

For further information, contact John Branscome or Erin McGrath, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-7240, or Rita Cookmeyer, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418-0660.

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